REMARKS

Claims 1-14 are pending in this application. Applicants respectfully request reconsideration and allowance of the present application in light of the Amendments and Remarks presented herein.

I. Summary of Examiner Interview

Applicants would initially like to acknowledge with appreciation the helpful and constructive interviews granted to the undersigned by Examiner Choudhury on January 26, 2011. As discussed during the interview, Applicants request reconsideration and allowance of the application and Claims 1-14 in view of the Amendments and Remarks set forth herein, which Applicants consider to be a summary of the matters discussed during the interview as required by 37 CFR § 1.133(b).

II. Claim Rejections Under 35 U.S.C. § 103

The Office rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,606,525 to Muthuswamy et al. (hereinafter "Muthuswamy") in view of U.S. Patent No. 6,934,761 to Curtis (hereinafter "Curtis"). All of Applicants' claims, as amended, have recitations that cannot be found in Muthuswamy or Curtis, whether considered individually or in combination.

As discussed and agreed during the Examiner interview, independent claim 1 has been amended to recite:

> ". . . receiving, from the client application, an application protocol request corresponding to a response that can be displayed as a combination of a dynamic portion and a static portion, wherein the dynamic portion comprises a portion of the response that changes, and wherein the static portion comprises a portion of the response that includes static protocol objects that are stored at a server prior to receiving the application protocol request;
>
> creating, by the server, the dynamic portion of the response;
>
> sending the dynamic portion of the response to the client application;

> retrieving, at the server, the static portion of the response from a cache disposed in an operating system kernel of the server, wherein the server is separate from the computer, and wherein the static portion of the response is identified as static by the server; and
>
> sending the static portion of the response that is static from the server to the client application of the computer so that the server sends the response to the request using previously-cached static protocol objects."

In rejecting the above recitations, the Office relies on Muthuswamy at column 3, lines 39-41 and column 4, lines 39-46. Column 3, lines 5-8 and 36-48 and column 4, lines 35-47 on Muthuswamy recite (emphasis added):

> The preferred process for downloading and refreshing network sites from a network is shown in the flowchart of FIG. 6, which illustrates the downloading *and refreshing* of a web page from the Internet 16 to a user computer 18, where the web page includes static and dynamic data. The static and dynamic data representing the web page is downloaded *to the user computer* 18, shown at block 50, ***and then*** a decision is made as to whether the data is dynamic data, shown at decision 52. If the data is dynamic data, then the data is preferably marked with pointers as dynamic data, shown at block 54, and if the data is not dynamic data, it is then marked with pointers indicating that it is static data, shown at block 56. After the data is preferably marked with the relevant pointers, it is stored in a local data store of the user computer, such as local cache, shown at block 58. Then the static data and dynamic data are merged on the same page, shown at block 60, to essentially recreate the downloaded web page on the browser, and the merged page is displayed on the user computer, shown at block 62.
>
> (Muthuswamy at col. 3, ll. 5-8, emphasis added)
>
> . . .
>
> Another method to distinguish the data is to define a new data structure and file format for HTML files such that the static and dynamic contents are separated into two different files. *When refreshing of the downloaded web page is requested, only the dynamic content file is downloaded from the web server.* This embodiment eliminates the need for the user computer to sort through the data from a the downloaded web page and add pointers to dynamic and static content as the web server does the work of sorting dynamic and static content. The user computer then simply requests the dynamic data file instead of comparing the static and

> dynamic data in the local cache.
>
> (Muthuswamy at col. 3, ll. 36-48, emphasis added)
>
> . . .
>
> According to the present invention, the static content of a page will be associated with specific layers of a document which will remain the same between downloads. Special pointers will be implemented in the HTML document to identify static and dynamic layers. Whenever the rendering engine sees pointers for static layers, it will reuse static content from the cached version of the page *instead of downloading it from the server*. *Only the dynamic portions of the document will be retrieved from the server when refreshing of the downloaded web page is requested. The browser will then merge the static and dynamic layers and render them for the refreshed web page on the browser.*
>
> (Muthuswamy at col. 4, ll. 35-47, emphasis added)

Accordingly, Muthuswamy discloses the following downloading and refreshing website process: (1) static and dynamic data is downloaded to a *user's computer* (however, there is no disclosure that the server has identified this data as dynamic and static – only that the data is downloaded); (2) *only after* the data is downloaded to the user's computer is the dynamic data identified and such identification occurs by the user's computer (again, the server does not identify which parts are static and dynamic); (3) once the user's computer determines what data is dynamic, the dynamic data is identified as such by the user's computer and then the user's computer identified; (4) the static and dynamic data is merged on the user's computer as a webpage; and (5) the user refreshes the website and **only** the dynamic content file is requested from the web server. Please note that every step occurs on the user's computer and the server performs no step other than transmitting data – the server does not discriminate between the static and dynamic data. The server does not identify the static content prior to receiving the application protocol request. Additionally, after the user refreshes, the content sent by the Muthuswamy server is completely dynamic content. Muthuswamy does not teach or suggest "retrieving *at the server* the static portion of the response from the cache of the server through an operable connection to the cache" and "sending the static portion of the response *from the server* to the client application of the computer," "wherein the static portion comprises a portion of the response that includes static protocol objects that are stored at a server *prior to* receiving the application protocol request," as recited in amended independent claim 1. Additionally, as discussed during the

Examiner interview, there is no discussion in the cited art of "receiving, from the client application, an application protocol request corresponding to a response that can be displayed as a combination of a dynamic portion and a static portion, wherein the dynamic portion comprises a portion of the response that changes, and *wherein the static portion comprises a portion of the response that includes static protocol objects that are stored at a server prior to receiving the application protocol request*," or "retrieving, at the server, the static portion of the response from a cache disposed in an operating system kernel of the server, wherein the server is separate from the computer, and *wherein the static portion of the response is identified as static by the server*," as recited in claim 1. There is no discussion in Muthuswamy of static content being handled by the server at all, much less static content being retrieved by the server (where the static portion was stored at the server prior to receiving the application protocol request) and being sent to the computer as the static portion of the response (along with dynamic content being created by the server as another portion of the response). It is noted that Curtis does not remedy the deficiencies of Muthuswamy. Curtis only discusses a method for managing HTTP caches and transmitting HTTP request data in a web server. *See* Curtis, Abstract. However, the webpages discussed in Curtis are all sent at one time and all webpages are also either completely static or completely dynamic webpages. There is no discussion in Curtis of a server sending a webpage having both a partially dynamic portion as well as a partially static portion. Further, there is certainly no discussion in Curtis of sending a response to a request by sending the dynamic portion of the webpage and retrieving and sending the static portion of the webpage.

Given the above, it is submitted that independent claim 1 recites features not taught or suggested by Muthuswamy or Curtis, either singly or in combination. Independent claims 5, 9 and 11 are allowable over the cited references for similar reasons, as discussed and agreed in the Examiner interview.

In light of the above, it is submitted that independent claims 1, 5, 9 and 11, as well as the claims dependent therefrom, are allowable over the cited art. Reconsideration of the Section 103 rejection and this application, as amended, is hereby requested.

Applicant believes he has responded to the concerns raised by the Office. Should any further issues remain, Applicants respectfully request a phone interview with the Examiner to further this case towards allowance.

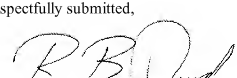
Conclusion

In view of the amended claims and the Remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 13-4365.

Respectfully submitted,

Date: 2/28/11

By: 

R. Brian Drozd
Registration No. 55,130

CUSTOMER NUMBER 82520
MOORE & VAN ALLEN PLLC
430 Davis Drive, Suite 500
Post Office Box 13706
Research Triangle Park, NC 27709
Tel Charlotte Office (704) 331-1033
Fax Charlotte Office (704) 339-5800

Electronically filed via the EFS-Web Electronic Filing System of the United States Patent and Trademark Office on February 28, 2011.